

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

-

WRIT PETITION No. 1164 of 1995

Between:

G.C. Ananthaiah, s/o Sri G. Ramanujaiah,
R/o 4/465-3, Vivekananda Nagar,
Cuddapah PETITIONER

AND

- 1 Mandal Revenue Officer,
Chinthakommadinne (M), Cuddapah Dist
- 2 District Collector, Cuddapah.
- 3 District Forest Officer, Cuddapah.
- 4 The Executive Engineer,
Buggavanka Project, Cuddapah. RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction preferably a writ in the nature of Mandamus directing the respondents 1 to 4 to refrain from cancelling the DKT Patta No.2088/77 dated 30.4.1968 in respect of 5 acres of land in S.No.1096/2 of Ippapenta (V) of Chinthakommadinne (M) of Cuddapah district and consequently refrain the Revenue and Forest and other Officers from interfering with the petitioner's possession and enjoyment of the said land.

Counsel for the Petitioner : Mr.N.SUBBA REDDY

Counsel for the Respondents : G.P. FOR REVENUE

The Court made the following :

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 1164 OF 1995

ORDER

Assailing the action of the respondents in proposing to cancel the DKT Patta No.2088/77 dated 30.4.1968 issued to the petitioner in respect of 5 acres of land in S.No.1096/2 of Ippapenta (V) of Chinthakommadinne (M) of Cuddapah district and also the action of the respondents in interfering with the petitioner's possession and enjoyment over the land, the present writ petition is filed.

The brief facts of the case are as follows :

It is stated that the petitioner is a landless poor and was assigned Ac.5.00 dry land in Survey No.1096/2 of Ippapenta village on 30-4-1968 and claims to be in possession of the said land and paying the land revenue for the same. The grievance of the petitioner in this writ petition is that though he is in possession of the land, the officials of the respondents are interfering with his possession illegally. It is also stated by the petitioner that he requested the Mandal Revenue Officer, Chinthakommadinne to furnish 10(1) accounts relating to the land in question, but the Mandal Revenue Officer refused to give 10(1) accounts on the ground that the said land was transferred to Executive Engineer of Buggavanka project. Petitioner states that except the land of Ac.5-00 assigned in his favour, he is not in possession of any other land. It is stated that he spent huge monies for reclamation of land, digging of well, erecting bunds and without there being any notice, or providing compensation, the alleged transfer is illegal and void and the same is violative of Articles 19(1)(g) and 300-A of the Constitution of India.

This Court while admitting the writ petition, by order dated 25-1-1995 granted interim order to maintain status quo.

Pursuant thereto, a counter affidavit was filed on behalf of respondents 1 and

2, denying the possession of the petitioner over the subject land and other averments with regard to development of the said land. It is stated that though the petitioner was assigned an extent of Ac.5.00 cents in Sy.No.1096/2, the same was resumed by Revenue Divisional Officer invoking clause 17 of the D.K.T. Patta and cancelled the assignment by his order dated 1.6.1988 for the purpose of aforestation by the Forest Department. It is also stated that the Revenue Divisional Officer tried to serve a notice dated 15-9-1987 on the petitioner and that the petitioner has evaded the service of notice and the same was affixed on the subject land and that there after the same was made known to the villagers by beat of tom tom in the village. Thereupon, the assignment made to the petitioner was cancelled by order dated 1-6-1988 and the land was resumed by the Revenue Divisional Officer invoking clause 17 of the DKT Patta. It is further stated that after resumption of the land, the possession of the same was handed over to the Forest Department on 3-12-1990.

Heard the learned counsel for petitioner and the learned Government Pleader.

In view of the specific stand of the respondents with regard to issuance of notice and cancellation of the patta granted to the petitioner by order dated 1-6-1988 and handing over of the possession of property to the Forest Department on 3-12-1990 itself, I see no reason to interfere in the matter. The writ petition fails and the same is dismissed. No costs.

N.V.RAMANA,J

19th July 2004.

DA/TVK

To

- 1 The Mandal Revenue Officer, Chinthakommadinne (M), Cuddapah Dist
- 2 The District Collector, Cuddapah.
- 3 The District Forest Officer, Cuddapah.
- 4 The Executive Engineer, Buggavanka Project, Cuddapah.
- 5 Two CCs to the G.P. for Revenue, High Court, Hyderabad.
- 6 Two CD copies.